

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

ERIC GRIFFIN,)	
)	
Petitioner,)	
v.)	Civil Action
)	No. 12-3315-CV-S-RED-H
JUAN D. CASTILLO,)	
)	
Respondent.)	

REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Petitioner, a pretrial detainee formerly confined in the United States Medical Center for Federal Prisoners, petitions this Court for a writ of habeas corpus in which he challenges actions of the Bureau of Prisons [“BOP”]. The petition has been referred to the undersigned for preliminary review under 28 U.S.C. § 636(b). Because petitioner’s claims are not properly before this Court, it will be recommended that he be denied leave to proceed in forma pauperis.

As grounds for relief in habeas corpus, petitioner alleges that he has been illegally held beyond the original four-month period under 18 U.S.C. § 4241(d), in violation of his constitutional rights. He also contends that his Speedy Trial Rights and due process rights have been violated, and that he was not placed in a suitable medical facility for over a year and a half. Additionally, he seeks to challenge an order entered by the Ninth Circuit that he be forcibly medicated. After a Show Cause Order and Response, counsel for petitioner filed a Motion to Withdraw.

A review of the record indicates that petitioner, at the time of the filing of this petition and up until at least August 1, 2012, was incarcerated at the Nevada Southern Detention Center in

Pahrump, Nevada. It is respondent's position that this Court does not have jurisdiction over this petition because petitioner is in the custody of the United States District Court for the District of Nevada. He filed the instant petition on July 3, 2012, while he was confined in Nevada.

The record indicates that petitioner was in this district from October of 2010 until March of 2011, when he was to be transported back to the District of Nevada for further proceedings. Petitioner, while confined in Nevada, was ordered to be involuntarily medicated. He appealed this order, which was eventually affirmed by the Ninth Circuit on June 18, 2012. Petitioner has not been returned to the Medical Center, and has never been incarcerated within the Western District of Missouri since the filing of his petition. Because the record indicates that this Court lacks jurisdiction over any of petitioner's claims, it must be recommended that the petition for habeas corpus relief be dismissed without prejudice.

Counsel for the petitioner has filed a Motion to Withdraw. Because there are no issues presented for which relief is appropriate, the motion is granted.¹

For the foregoing reasons, it is, pursuant to the governing law and in accordance with Local Rule 22 of the United States District Court for the Western District of Missouri,

RECOMMENDED that petitioner be denied leave to proceed in forma pauperis, and that the petition for a writ of habeas corpus be dismissed without prejudice.

/s/ James C. England
JAMES C. ENGLAND
United States Magistrate
Judge

Date: 8/31/12

¹ Petitioner has 14 days to file exceptions to the Report and Recommendation of the United States Magistrate Judge.